

HOUSE BILL 401

By Haynes

AN ACT to amend Tennessee Code Annotated, Title 34;  
Title 36 and Title 37, relative to relinquishment of  
rights involving an embryo.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 36, Chapter 1, is amended by adding  
the following as a new part:

36-1-401. As used in this part:

(1) "Embryo" or "human embryo" means an individual fertilized ovum of  
the human species from the single-cell stage to eight-week development;

(2) "Embryo relinquishment" or "legal transfer of rights to an embryo"  
means the relinquishment of rights and responsibilities by the person or persons  
who hold the legal rights and responsibilities for an embryo and the acceptance  
of such rights and responsibilities by a recipient intended parent;

(3) "Embryo transfer" means the medical procedure of physically placing  
an embryo into the uterus of a female;

(4) "Legal embryo custodian" means the person or persons who hold the  
legal rights and responsibilities for a human embryo and who relinquishes said  
embryo to another person or persons; and

(5) "Recipient intended parent" means a person or persons who receive a  
relinquished embryo and who accepts full legal rights and responsibilities for  
such embryo and any child that may be born as a result of embryo transfer.

36-1-402.

(a) A legal embryo custodian may relinquish all rights and responsibilities  
for an embryo to a recipient intended parent prior to embryo transfer. A written

contract shall be entered into between each legal embryo custodian and each recipient intended parent prior to embryo transfer for the legal transfer of rights to an embryo and to any child that may result from the embryo transfer. The contract shall be signed by each legal embryo custodian for such embryo and by each recipient intended parent in the presence of a notary public and a witness. Initials or other designations may be used if the parties desire anonymity. The contract may include a written waiver by the legal embryo custodian of notice and service in any legal adoption or other parentage proceeding which may follow.

(b) If the embryo was created using donor gametes, the sperm or oocyte donors who irrevocably relinquished their rights in connection with in vitro fertilization shall not be entitled to any notice of the embryo relinquishment, nor shall their consent to the embryo relinquishment be required.

(c) Upon embryo relinquishment by each legal embryo custodian pursuant to subsection (a), the legal transfer of rights to an embryo shall be considered complete, and the embryo transfer shall be authorized.

(d) A child born to a recipient intended parent as the result of embryo relinquishment pursuant to subsection (a) shall be presumed to be the legal child of the recipient intended parent; provided, that each legal embryo custodian and each recipient intended parent has entered into a written contract.

36-1-403.

(a) Prior to the birth of a child or following the birth of a child, a recipient intended parent may petition a court for an expedited order of adoption or parentage. In such cases, the written contract between each legal embryo custodian and each recipient intended parent shall be acceptable in lieu of a surrender of rights.

(b) All petitions under this part shall be filed in the county in which any petitioner or any respondent resides.

(c) The court shall give effect to any written waiver of notice and service in the legal proceeding for adoption or parentage.

(d) In the interest of justice, to promote the stability of embryo transfers, and to promote the interests of children who may be born following such embryo transfers, the court in its discretion may waive such technical requirements as the court deems just and proper.

36-1-404. Upon a filing of a petition for adoption or parentage, and the court finding that such petition meets the requirements of this part, an expedited order of adoption or parentage shall be issued and shall be a final order. Such order shall terminate any future parental rights and responsibilities of any past or present legal embryo custodian or mete donor in a child which results from the embryo transfer and shall vest such rights and responsibilities in the recipient intended parent.

SECTION 2. This act shall take effect July 1, 2013, the public welfare requiring it.